

JUN 28 2001

## OFFICE OF PETITIONS



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/784,631	02/15/2001	Jose A. Fernandez-Pol	42108.0106

CONFIRMATION NO. 2674

## FORMALITIES LETTER



\*OC00000006002183\*

Simpson Coburn LLP  
One Firstar Plaza  
St. Louis, MO 63101

Date Mailed: 04/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/26/2001 HNDOR1 00000087 200823 09784631

FILED UNDER 37 CFR 1.53(b)

01 FC:203 18.00 CH  
02 FC:204 135.00 CH  
03 FC:205 65.00 CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

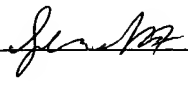
- Total additional claim fee(s) for this application is \$153.
  - \$18 for 2 total claims over 20.
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 218.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 28 2001

OFFICE OF PETITIONS

In re Application of: Fernandez-Pol )

Application No.: 09/784,631

Filed: 02/15/2001 )

For: PHARMACOLOGICAL AGENT )  
AND METHOD OF TREATMENT :

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION

Commissioner:

In response to the Notice to File Missing Parts of Nonprovisional Application, please enter the enclosed Declaration and Power of Attorney, signed by Michael G. Douglas on behalf of the inventor, Jose Fernandez-Pol, petition under 37 C.F.R. §1.47(b) and substitute drawings in compliance with 37 C.F.R. §1.84 into the record of the above-identified patent application.

**Applicant acknowledges that a balance is due and hereby authorizes the Assistant Commissioner to charge Deposit Account No. 20-0823 the \$218 balance. Applicant also authorizes the Assistant Commissioner to credit any additional overpayment and to charge any additional fee required.**

If there are any questions or concerns Applicant's attorney may continue to be reached at the telephone number and address provided below.

Respectfully submitted,

Thompson Coburn LLP

By Ahaji Kirk Amos  
Ahaji Kirk Amos  
Reg. No. 46,831  
One Firststar Plaza  
St. Louis, MO 63101  
(314) 552-6580  
(314) 552-7580 FAX

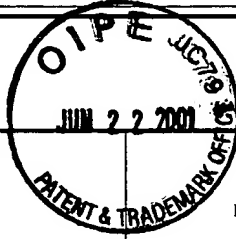
Enclosure:     Substitute drawings  
                 Copy of original Notice to File Missing Parts of Nonprovisional Application  
                 Signed Declaration and Power of Attorney  
                 Petition under 37 C.F.R. §1.47

CC:     Caroline Chicoine (w/o encl.)  
           Chris Jones (w/o encl.)  
           Lionel Lucchesi (w/o encl.)  
           Avi Amin (w/o encl.)  
           Michael Douglas (w/o encl.)

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
42108.0106 (42108/25508)

In Re Application Of: **Fernandez-Pol**



Serial No.  
09/784,631

Filing Date  
2/15/01

Examiner  
not yet assigned

Group Art Unit  
1614

Invention: **PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT**

**RECEIVED**

**JUN 28 2001**

**OFFICE OF PETITIONS**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
4/24/01  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.

☒ Other (list):

Response to Notice to File Missing parts of Nonprovisional Application,  
Corrected Drawings, 11 sheets,  
Petition Under 37 C.F.R. Section 1.47(b),  
Copy of the Board of Director Minutes for Novactyl, Inc.  
Copy of the Recorded Assignment

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

**Docket No.**  
**42108.0106 (42108/25508)**

In Re Application Of: **Fernandez-Pol**

**Serial No.**  
**09/784,631**

**Filing Date**  
**2/15/01**

**Examiner**  
**not yet assigned**

**Group Art Unit**  
**1614**

**Invention: PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Attention: Manager, Application Branch**

☒ Completion of application fees as calculated below:

☐ Utility application filing fee

☐ Design application filing fee

☐ Total number of independent claims = \_\_\_\_\_

☒ Total number of claims = 22

\$18.00

☒ Multiple dependent claims

\$135.00

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

\$65.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

**Total completion of application fees** **\$218.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month

☐ Two months

☐ Three months

☐ Four months

☐ Five months

from: \_\_\_\_\_  
Date

until: \_\_\_\_\_  
Date

**Total time extension fees** \_\_\_\_\_

**Total fees due** **\$218.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
**42108.0106 (42108/25508)**

In Re Application Of: **Fernandez-Pol**

Serial No.  
**09/784,631**

Filing Date  
**2/15/01**

Examiner  
**not yet assigned**

Group Art Unit  
**1614**

Invention: **PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of **\$218.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **20-0823**  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **20-0823**  
A duplicate copy of this sheet is enclosed.

  
Signature

Dated: **6/27/01**

**Ahaji Kirk Amos, Reg. No. 46,831  
Thompson Coburn LLP  
One Firststar Plaza  
St. Louis, MO 63101  
314-552-6123 (phone)  
314-552-7123 (fax)**



**21888**

PATENT TRADEMARK OFFICE

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC:

06-25-01

016  
S. 4676

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>		Docket No.	
Applicant(s): <b>Fernandez-Pol</b>		<b>42108.0106(42108/25508)</b>	

Serial No. <b>09/784,631</b>	Filing Date <b>2/15/01</b>	Examiner <b>not yet assigned</b>	Group Art Unit <b>1614</b>
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Invention: <b>PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT</b>	<b>RECEIVED</b> <b>JUN 28 2001</b>
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OFFICE OF PETITIONS

I hereby certify that the following correspondence:

**Response To Notice To File Missing Parts of Application; Copy of Notice To File Missing Parts From US PTO and 11 Sheets of Corrected Formal Drawings; Petition Under 37 C.F.R. Section 1.47(b); Signed Declaration and Power of Attorney; Copy of the Board of Director Meeting Minutes for Novactyl, Inc. and a copy of the Recorded Assignment**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

6/22/01  
*(Date)*

**Eileen L. Curran**  
*(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)*

**EL474183531US**  
*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.